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THOMAS WHALEY OF VIRGINIA AND THEOPHILUS WHALE OF NARRAGANSETT.

BY ROBERT PATTERSON ROBINS, M.D.

Nearly ten years ago I presented in the *PENNSYLVANIA MAGAZINE* a paper upon "Edward Whalley the Regicide," which provoked considerable criticism both in Philadelphia and in New England.¹ In the course of the short controversy which followed some interesting facts were elicited concerning not only the Edward Whalley under discussion, but also other Whaleys who had settled in Virginia and New England. Following up a hint given me by the learned and indefatigable antiquary Dr. Neill, of St. Paul, Minnesota,² I instituted some investigations into the history of one Thomas Whaley of Virginia, the results of which, embracing also the curious coincidence of certain events in his life with corresponding events in the life of a New England Whalley, I desire to lay before the readers of the magazine.

In the year 1676 there occurred in Virginia that important and interesting revolution known in the history of the colony as Bacon's Rebellion. To go into a discussion of the causes and results of this popular movement is not to the purpose of this paper. It is sufficient to say that an armed force was sent by the Colonial Assembly to punish certain tribes of Indians for outrages committed upon the settlers, and after a short time in the field was recalled by an arbitrary mandate from the Governor, Sir William Berkley. In just indignation for this interposition in their movements to promote the public safety, the army, under Nathaniel Bacon, the younger, revolted, and a year of civil war

¹ *Penna. Mag. of Hist. and Biog.*, Vol. I.

² *Ibid.*, Vol. I. p. 359.

ensued. Sir William Berkley was ultimately successful, and upon the death of Bacon, the execution of certain of his associates, and the flight of others, the insurrection was finally quelled. It must not be supposed that this movement was confined to the lower strata of the colony: Bacon, the leader, was a wealthy planter, and a member of the Colonial Assembly (his uncle, the elder Bacon, being one of the Governor's Council), and among his supporters were William Drummond, once Governor of the Province of North Carolina; Giles Bland, Collector-General of the Customs; and Richard Lawrence, a graduate of Oxford and a man of wealth and high intellectual attainments.

With Bacon was associated, in both the Indian and civil wars, one Thomas Whaley, of whose earlier history the records of the colony give us no account.¹ He first comes into prominence after the death of Bacon, although it is reasonable to suppose that he was engaged with him from the outset, judging from the manner in which the contemporaneous accounts speak of him. These narratives are very curious, and will well repay a perusal; they are reprinted in the first volume of "Force's Tracts,"² and are four in

¹ Among the "Virginia Adventurers of 1620" mentioned in Smith's "History of Virginia" (Vol. II. p. 55) is Thomas Wale. As this emigrant must have been at least twenty years of age, it is not probable that he was the Whaley of the Rebellion. But we make note of other Waleys in Virginia and Maryland in the seventeenth century: the records of Somerset County, Maryland (at Princess Anne), thus record, June 10, 1681, the brand of one Edward Wali, of that county,—“poplar leaf of the right ear, cropt of the left, and underbitted of the left.” This is the Whaley of the *Robins Narrative of 1769* (Penna. Mag., Vol. I. p. 60); it was conjectured that he might be Whaley of the Rebellion, but the inherent improbability of this theory was shown in the Penna. Mag., Vol. II. p. 115. Closely allied to this Whaley were “George Wale and Lewis his wife,” who conveyed a “parcel of land” to him in 1678. (Penna. Mag., Vol. IV. p. 258.) Memoranda of others of the name apparently unconnected with the family on the Eastern Shore or the Whaley of the Rebellion have unfortunately been mislaid, but there is no doubt that there were several different families of the name in Virginia during the seventeenth century.

² Tracts and other Papers relating principally to the Origin, Settlement, and Progress of the Colonies in North America, from the Discov-

number, but Whalley is mentioned in two only, and then after the death of Bacon.

In the first account¹ we find him engaged in the defence of Colonel Bacon's house :

. . . "This execution being over (which the Baconians termed crewilty in the abstract) Sr. William ships himself & soulder for York River, casting Anchor at Tindells Point; from whence he sends up a hundred and 20 men to surprise a Gard, of about 30 men and boys kept at coll. Bacons howse, under the command of Major Whaley; who being forewarned by Hansford fate, prevented the designed conflict with the death of the commander in chiefe, and the taking som prisoners."

The second narrative² gives a somewhat more detailed account of this same encounter, and, although it is somewhat verbose, I produce that part which relates to Whaley, because it is desirable that all the data relating to him should be collected in one place. The story reads as follows :

"Much about this time, of the Gloster buisness, his hon. sends abrode a party of men from off aboarde, under the command of one Hubert Farrell, to fferritt out a company of the Rebels who kep Gard at Coll. Bacons, under the power of Major Whaley, before mentioned.³ Coll. Bacon⁴ himselfe, and one Coll: Ludwell, came along with Farrill, to see to the management of the enterprise; about which they tooke all possible care, that it might prove fortunate. For they had no sooner resolved upon the on-

ery of the Country to the Year 1776. Collected by Peter Force, Washington. Printed by Peter Force, 1836.

¹ An Account of our Late Troubles in Virginia. Written in 1676, by Mrs. An. Cotton, of Q. Creek. Published from the original manuscript in the Richmond (Va.) *Enquirer* of 12th Sept., 1804. Washington: Printed by Peter Force, 1835. (See p. 9 for this extract.)

² A Narrative of the Indian and Civil Wars in Virginia, In the Years 1675 and 1676. Published from the original manuscript, in the First Volume (Second Series) of the Collections of the Massachusetts Historical Society. Boston: Printed by John Eliot, No. 5, Court Street, 1814. (For the extract, see pp. 41 *et seq.*)

³ Unfortunately, this narrative is only fragmentary, and the former reference to Major Whaley is missing.

⁴ Bacon the elder, uncle of the Rebel, and a member of the Governor's Council.

sett, but they consult on the manner, which was to be effected by a Generossety paralell withe the designe; which required Curage, and Expedition: and so concludes not to answer the Centreys by firing; but to take, kill, or drive them up to their Avenues, and then to enter pell mell with them into the howse: this method was good had it bin as well executed, as contrived. But the Centrey had no sooner made the challenge, with his mouth, demanding who coms there? but the other answer with their Musquits (which seldom speakes the language of friends) and that in so loud a maner, that it alaramed those in the howse to a defence, and then into a posture to salley out. Which the other perceveing (contrary to their first orders) wheelles of from the danger, to finde a place for their securytie, which they in part found, behinde som out buildings, and from whence they fired one upon the other, giveing the Bullits leave to grope their owne way in the dark (for as yet it was not day) till the Generall was shot through his loynes; and in his fate the soulders (or the greater part) through their hearts, now sunk into their heels which they were now making use of instead of their hands, the better to save their jackits, of which they had bin certainly stripped, had they com under ther enimies fingers, who knows better how to steale then fight, notwithstanding this uneven cast of Fortunes malize. . . . It is trew Whalys condition was desperate, and hee was resolved that his Curage should be comformable and as desperate as his condition. He did not want intelligence how Hansford, and som others, was sarved at Accomack;¹ which made him thinke it a grate deale better to dye like a man, then to be hanged like a dog; if that his fate would but give him the liberty of picking as well as he had taken the liberty of Stealeing; of which unsoulder-like quallety he was fowly guilty.² But let Whalys condition be never so desperate, and that he was resolved to manage an opposition against his Assalent according to his condition, yet those in the House with him stooode upon other terms, being two thirds (and the whole exseeded not 40) prest into the servis, much against their will; and had a grater antipethy against

¹ At a court martial held by Sir William Berkley "on board Capt. John Martins shipp," Jan. 11, 1676-7, Hansford, Carver, Wilford, Farloe, and others were hanged on the charge of treason.

² It must be remembered that this account is intensely partisan, and does not reflect even the sentiment of the day. Modern writers throw an entirely different light upon the conduct of Bacon and his associates.

Whaly then they had any cause for to feare his fate, if he, and they too, had bin taken. As for that objection, that Farrill was not, at this time, fully cured of those wounds he receved in the salley at Towne, which in this action proved detrimentall both to his strength and curage: . . . For the failure of this enterprise (which must wholly be refered to the breach he made upon their sedulous determinations) which was (as is intimated before, to croude into the Howse with the Centrey) not onely injureous to their owne party by letting slip so faire an occasion to weaken the power of the enemy, by removeing Whaly out of the way, who was esteemed the most considerablest parson on that side; but it was and did prove of bad consequence to the adjacent parts, where he kep gard: . . . When that West Point was surrendred, and Greene Spring secured, for the Governour, these two Gen:¹ was at the Brick-howse, in New Kent: a place situate allmost oppossitt to West Point, on the South side of Yorke River, and not 2 miles removed from saide point, with som soulders under their command; for to keepe the Governours Men from landing on that side; he haveing a ship, at that time, at Ancor near the place. They had made som attempts to have hindred Granthams designes (of which they had gained som intelligence) but their indeviours not fadging, the sent downe to Coll. Bacons to fetch of the Gard there, under the command of Whaley, to reinforce their own strength.”

The narrative breaks off at this point, the remainder having been lost, and with it the later contemporaneous history of Bacon's generals. But we can gather some other points with regard to Whaley from the proclamations of Sir William Berkley with regard to the dispersed rebels, which were incorporated as acts of Assembly, and are to be found in Hening's Statutes at Large.² The first is entitled *An Act of Indemnity*, and was passed “at a grand Assembly, begunn at Green Spring, The 20th day of February, anno Dni. 1676-7, annoq. Regni Rs. Carol. Sedi. xxixth etc.” After reciting the free pardon and indemnity

¹ Drummond and Ingram.

² The Statutes at Large being a collection of all the laws of Virginia from the first session of the Legislature, in the year 1619, etc., by William Waller Hening. New York, 1823.

to be granted to those concerned in the late rebellion, the act reads:¹

“Provided alwayes, and it is the true intent and meaning of these presents, that this present act of pardon, indempnity and oblivion, nor anything therein contained shall give noe other benefit whatsoever unto Nathaniell Bacon the younger . . . nor to Richard Lawrence, Thomas Whaley and John fforth, who were principal actors in the said rebellion, and are ffiled from justice, not dareing to abide their tryall, all which aforesaid persons, were notorious actors and abettors in the aforesaid horrid rebellion against the kings majestie, but that they and every one of them and their estates, reall and personall, shalbe, and are out of this present act excepted and foreprized according to an act of this assembly for that purpose passed this present assembly.”

By the second act,² passed the same day, and which is referred to in the first, Lawrence, Whaley, and Forth are “adjudged to be convicted and attainted of high treason to all intents and purposes, and all and every the messuages . . . shall stand and be forfeited to the kings most sacred majestie &c. &c.”

Sir William Berkley ceased to be Governor in 1677, and returned to England. The rancor against the “rebels” gradually subsided, and in 1680 we find an act³ passed at a General Assembly, held at James’s City, which pardons Joseph Ingram, Gregory Walklett, Thomas Whaley, John Forth, and John Langston; but provides that if they “Shall at any tyme after the passing of this act accept or exercise any publique office whatsoever within the said colony of Virginia, that then such of them as doe soe, accept or exercise aforesaid, shall to all intents and purposes stand as if he or they had beene totally excepted by name out of this act.”

With these acts of Assembly ends the recorded history of Thomas Whaley in Virginia; no mention is made of him in any other document which has come under my notice, nor does there seem to be any knowledge as to where he had gone or what had become of him. Had he returned to

¹ Hening’s Statutes, Vol. II. pp. 369, 370.

² Lib. id., p. 376.

³ Lib. id., p. 461.

Virginia, doubtless we should have heard of him in 1688, asking for a removal of his political disabilities.

At some date prior to the year 1680 there appeared in Rhode Island a singular man, who at the end of the last century was the object of much speculation, and whose history, as much of it as is known, is detailed at some length by the learned Dr. Stiles, of Yale College, in his collection of investigations on the subject of the Regicides in New England.¹ From this account I abridge the following details: The wanderer was said to have come "from Virginia at the beginning of the Petaquamscot settlement, which was soon after Philip's war, 1657, and the Great Swamp fight." Colonel Willet, who was a citizen of North Kingston and a man of prominence and intelligence, allowed the new-comer to settle on his farm,—on a piece of land at the north end of Petaquamscot Pond, near Narragansett Bay,—and from him is derived much of the knowledge we have of the settler. The latter built himself a hut on the high bank, and "subsisted by fishing and writing for the Petaquamscot settlers. He was soon found to be a man of sense and abilities; and it was a matter of wonder that he refused to live otherwise than in a mean and obscure manner." The name given by this singular man was Theophilus Whale, and "from his name he was early suspected to be the regicide; and being questioned upon it, his answers were so obscure and ambiguous that they confirmed his acquaintance in that belief, which I found fixed and universal at Narragansett in 1755, and which remains so there and at Rhode Island to this day."²

¹ "A History of Three of the Judges of King Charles I.," etc., by Ezra Stiles, S.T.D., LL.D., President of Yale College. Hartford, 1794. Pp. 339 to 357.

² This was also the case in 1878, when I visited Narragansett Pier, and made a pilgrimage to the grave of Whale. There are many descendants of Whale, now calling themselves Whaley, who live in North Kingston and the environs of Narragansett. Indeed, in Updike's "History of the Church in Narragansett" (p. 350) occurs the following curious passage taken from the record of the Narragansett Church, under date of April 16, 1772: "In presence of many witnesses, Mr.

Among the points which confirmed Colonel Willet in common with his neighbors in this belief were certain circumstances which he was accustomed to relate as supporting his theory that Theophilus Whale was none other than Edward Whalley the Regicide. "Several Boston gentlemen," he said, "used once a year to make an excursion and visit at his father's house. As soon as they came they always inquired eagerly after the welfare of the good old man: and his father used to send him, when a boy, to call him to come and spend the evening at his house. As soon as Mr. Whale came in the gentlemen embraced him with great ardour and affection, and expressed great joy at seeing him, and treated him with great friendship and respect. They spent the evening together with the most endearing familiarity, so that the colonel said he never saw any gentlemen treat one another with such apparently heartfelt cordiality and respect." Another incident of much the same nature is current tradition in Narragansett: "In Queen Ann's War a ship came up the bay and anchored before Mr. Willet's door. The name of the captain was Whale, and he was a kinsman of Mr. Whale who lived but one mile off, and made him a visit, when they recognized one another with the affection of kindred. After an agreeable interview, the captain invited Mr. Whale to dine with him on board ship; he accepted the invitation and promised to come. But considering further of it, he did not adventure on board, rendering as a reason that this was truly his cousin, yet he did not know but possibly there might be some snare laid for him to take him."¹ This is vouched

Fayerweather married Mr. Sylvester Sweet to Miss Martha Whalley, of Narragansett, the bride being given away by her father, Mr. Jeremiah Whalley, one of the descendants of old Colonel Whalley, who came away from Great Britain on account of being one of the regicides of King Charles the First, of ever blessed memory, and who sat in the mock court before which that excellent Prince, that blessed martyr, was arraigned, tried, and condemned, and who was called proverbially (in the day of it) one of King Charles's Judges."

¹Stiles's "Judges," p. 343, also Updike's "History of the Church in Narragansett," p. 350.

for by Colonel Willet, and was known to all the neighbors, confirming them in the belief that Whale was the regicide.

With his accustomed energy, Dr. Stiles sought an interview with Samuel Hopkins, a grandson of Whale, from whom he elicited the following facts: That Theophilus Whale married in Virginia, *circ.* 1670, one Elizabeth Mills; that he was the father, by this marriage, of seven children, —(1) Joan, born in Virginia, (2) Elizabeth, born in Virginia in 1672, (3) Martha, born in Narragansett in 1680, (4) Theodosia, (5) Anna, (6) Lydia, (7) Samuel. The place of birth of Theodosia, Anna, and Samuel was uncertain, but probably one or more of them was born in Virginia. It was also in evidence that Whale was a man of good education, and that he was engaged in the Indian wars in Virginia, and that “for the first years of his living at Narragansett he followed fishing in Petaquamscot Pond; at length weaving, and in this he spent most of his life.”

Elizabeth, the wife of Whale, died about 1715, and then the old man went to Greenwich to live in the family of his daughter, Mrs. Spencer. The date of his death is uncertain, but it is supposed to be 1719 or 1720, and his age is estimated as at least one hundred and three years.

The only document known to have been signed by Theophilus Whale was a deed of assignment to his son Samuel Whale, dated February 20, 1711. This deed Dr. Stiles saw, and describes the signature as a “good, free hand writing, and a sharp, running hand.” This paper unfortunately has been lost; had we access to it now, a comparison with accredited signatures might tell us something of the origin of the signer.

I have now adduced all that is known to me of Thomas Whaley, of Virginia, and have added to this the leading facts in the history of Theophilus Whale, of Narragansett, not because I think that any sufficient theory can be based upon the curious coincidence in their histories, but because it is well to collect these facts together, so that should any additional evidence be developed in the future, it may be the more easily compared with what is already known.